HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 266 of 2006 (SS)

1. Mohan Singh s/o Sri Amar Singh
2. Bachhi Singh s/o Sri Ram Singh
Both Tanker Driver, Uttaranchal Jal Sansthan, Almora ..... Petitioner.

Versus

1. Chief General Manager, Uttaranchal Jal Sansthan, Jal Bhawan, B Block, Nehru Colony Dehradun
2. General Manager, Uttawraanchal Jal Sansthan, Nainital
3. Executive Engineer Uttaranchal Jal Sansthan Almora
4. Bahadur Ram, Beldar, Uttaranchal Jal Sansthan, Ranikhet.
5. State of Uttaranchal ..... Respondents

Sri S. S. Yadav, Advocate for the petitioners
Sri Rakesh Thapliya, Advocate for the respondents.

Dated: 4.3.2006

Hon'ble Rajesh Tandon, J.

Heard Sri S.S. Yadav, counsel for the petitioner and Sri Rakesh Thapliya, counsel for the respondents.

By this present writ petition, the petitioners have prayed for a writ of mandamus directing the respondents to regularize the service of the petitioners on the post of truck drivers.

According to the petitioners, they are working as Tranker Driver under the respondents since 1992. Junior persons to the petitioners have been regularized but till date they have not

been regularized. Petitioners and others have already filed a writ petition No. 35344 of 1996 Gusain Singh vs. State of U.P. & others for their regularization. In this case petitioners were standing at serial no. 6 and 7. There was an interim order in the above noted writ petition passed on 29.11.96. The petitioners have submitted that all other persons except the petitioners were regularized by the respondents.

The counsel for the petitioners has filed a copy of a common judgment passed by Allahabad High Court on 6.11.2000 deciding similar writ petitions. The facts of the present writ petition are similar to those writ petitions. In that order the Single Judge of Allahabad High Court has held as under:

"Considering the facts and circumstances of the case those writ petitions are disposed of with the direction to the opposite parties to regularize those petitioners who have completed 10 years continuous satisfactory service on daily wages posts on the posts available and in future as soon as the posts become available the regularization of the service of petitioners shall also be considered subject to availability of post and from the date of regularization they shall be given pay scale admissible to the regular employees as well as other benefits. The regularization shall be made strictly in accordance with seniority."

The facts of the present case are squarely covered by the above case, therefore, the present case is liable to be decided accordingly.

In view of above, a writ of mandamus is issued directing the respondents to consider the regularization of the petitioners

on the post on which they are working. The regularization shall be made strictly in accordance with seniority.

Accordingly, the writ petition is allowed. No order as to costs.

Dated: 4.3.2006 **Rajesh Tandon, J.**

*Dhyani